

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CRIMINAL ACTION NO. 3:98-CR-00244-GCM-DSC**

**UNITED STATES OF AMERICA**

**v.**

**REGINALD ANTHONY FALICE,**

**Defendant.**

**ORDER**

**THIS MATTER** comes before the Court on Defendant Reginald Falice's pro se Motion to Vacate (ECF No. 371). In the motion, Falice appears to seek vacatur of the Court's most recent order, which granted the government's motion to collect his restitution obligations from an inmate trust account. *See* ECF No. 371 at 1 (alleging that the Court "rob[bed] and pilfer[ed] him"); ECF No. 368. He also alleges that the Court lacked jurisdiction over the underlying criminal case against him, reiterating a baseless argument that he has repeatedly made. *See* ECF No. 368.

The motion will be denied as frivolous. To the extent that Falice seeks to attack his underlying conviction, the Court will construe the motion as a successive 28 U.S.C. § 2255 motion, and will dismiss that motion as unauthorized. *See* 28 U.S.C. § 2255(h) (requiring that the Circuit Court authorize a second or successive § 2255 motion); *United States v. Hayes*, 352 F. Supp. 3d 629, 639 (W.D. Va. 2019).

**IT IS THEREFORE ORDERED** that the Motion to Vacate (ECF No. 371) is **DENIED**.  
**SO ORDERED.**

Signed: December 17, 2021



Graham C. Mullen  
United States District Judge

